

Notice of Allowability

Application No.

09/938,150

Examiner

Anita K Alanko

Applicant(s)

OBENG ET AL.

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/6/03 amendment.
2. ☒ The allowed claim(s) is/are 28,29,31,32,34-42 and 46.
3. ☒ The drawings filed on 22 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3 ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 7/30/03
- 4 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5 ☐ Notice of Informal Patent Application (PTO-152)
- 6 ☐ Interview Summary (PTO-413), Paper No. _____
- 7 ☒ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

Anita K. Alanko
Anita K Alanko
Primary Examiner
Art Unit: 1765

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ron Corbitt on November 26, 2003.

The application has been amended as follows:

Basis for this amendment can be found, for example, in the specification at page 10, lines 7-10, 21-22 and page 14, lines 5-7.

Cancel claims 1-27 and 33.

Claim 28 (amended). A packaged polishing pad, comprising:

a sealable moisture tight package having a dimension sufficient to contain a polishing pad therein; and

a polishing pad soaked in an aqueous medium comprising an additive configured to simulate a CMP slurry and located within the sealable moisture tight package, wherein said polishing pad is configured for use in chemical mechanical polishing of a semiconductor wafer in conjunction with a polishing slurry.

Claim 37 (amended). The packaged polishing pad as recited in Claim [[33]] 28 wherein the additive is selected from the group consisting of an oxidant, an abrasive, and an organic amine.

Claim 39 (amended). The packaged polishing pad as recited in Claim 37 wherein the additive comprises an abrasive and the abrasive is selected from the group consisting of alumina and silica.

The following is an examiner's statement of reasons for allowance: the prior art does not teach or suggest a packaged polishing pad comprising a sealable moisture tight package and a polishing pad soaked in an aqueous medium comprising an additive configured to simulate a CMP slurry and located within the sealable moisture tight package, wherein said polishing pad is configured for use in chemical mechanical polishing of a semiconductor wafer in conjunction with a polishing slurry, as in the context of claim 28.

The closest prior art, Bahten (6076662), suggests a polishing pad soaked in an aqueous medium, however the aqueous medium comprises a preservative and there is no motivation to include an additive configured to simulate a CMP slurry, as in the context of claim 28.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

In combination with the above amendment, the affidavit under 37 CFR 1.132 filed 10/6/03 is sufficient to overcome the rejection of claims 28-29, 31-32, 34-42 and 46 based upon Bahten.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K Alanko whose telephone number is 703-305-7708 (starting December 11, 2003, 571-272-1458). The examiner can normally be reached on Mon,Tues & Fri: 8:30 am-5 pm; Wed&Thurs:10 am-2 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 703-305-2667 (571-272-1465 starting December 11, 2003). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Anita K. Alanko

Anita K Alanko
Primary Examiner
Art Unit 1765